



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,340	09/26/2003	Paul Jeffrey Krupin	5443-5	5250

29941 7590 05/31/2006

GLENN C. BROWN, PC  
777 NW WALL STREET, SUITE 308  
BEND, OR 97701

EXAMINER
----------

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,340	<b>Applicant(s)</b> KRUPIN ET AL.	
	<b>Examiner</b> CamLinh Nguyen	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/26/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/26/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is response to communication filed on 9/26/2003.
2. Claims 1 – 18 are currently pending in this application.

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned

Art Unit: 2161

with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 – 18 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 16 of U.S. Patent No. 6,751,611 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-18 of the instant application is not patently distinct from the earlier patent claims. Claims 1-16 of patent 6,751,611 B2 contain every element of claims 1-18 of instant application and as such anticipate claims 1-16 of the instant application.

A limitation of “controlled vocabulary word group” found in instant application, but not found in the patent 6,751,611 B2. However, as indicate below, the “controlled vocabulary word group” is also a list of word that related or controls the vocabulary in a word category. Both “word group” and “controlled vocabulary word group” are predefined. Therefore, the Examiner considers that the “controlled vocabulary word group” is the same as “word group” since they both related to a particular category and both are predefined.

A limitation of “graphically displaying a analysis of the search string based on the number of words in the search string, the number of words groups selected, the number of word types selected, and an index of the targeting of the search words selected” found in patent 6,751,611, but not found in instant application. Accordingly, Claims 1 - 18 in instant application is a generic form of the claims 1 - 16 in the US Patent No. 6,751,611 B2. It would have been

Art Unit: 2161

prima facie obvious to one with ordinary skill in the art at the time the invention was made to broaden the invention because this provides a wider application of the invention with no additional cost in development.

The following is an example of how some claims in the instant application map with the US Patent No. 6,751,611 B2.

	'340	patent '611
Claim	1	1
	2	2
	3	3
	4	4

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4, 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 4, 6 recite the limitation "The visual cue" in line 2 of claim 4, and 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2161

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 – 3, 8 – 10, 12, 14 - 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gidon Wise (U.S. 2003/0069878 A1).

According to the disclosure page 12, 19, and Fig. 4, the Applicant define the “controlled vocabulary word group” as a list of words that related to the word categories. In other words, the Examiner interprets the “controlled vocabulary word group” as a list of words or property that related to a particular word category.

◆ As per claim 17,

Wise discloses a computer-implemented method of searching the World Wide Web comprising the steps of:

- “Selecting a topic to be searched” corresponds to the method that allowing the user to search for the topic “work of art” (See Fig. 3, paragraph 0040).
- “Creating a hierarchical search string comprising an ordered series of search words, one search word selected from at least one of a plurality of pre-selected, ordered controlled vocabulary word groups” corresponds to the methodology that allowing the user to create a search string such as in Fig. 4, part 46, wherein
  - “The search string comprising an ordered series of search words” corresponds to ordered series of search word such as top category (work of art), medium, oil.

- “One search word selected from at least one of a plurality of pre-selected, ordered controlled vocabulary word groups” corresponds to the search word “oil” is one of pre-selected, ordered controlled vocabulary word groups.
- “Controlled vocabulary word groups” corresponds to the “property” such as “sculpture, drawing, oil” of word category “medium” (for example).
- “Transmitting the ordered search string to a search engine” See paragraph 0049 wherein the user can click on the command “ENTER” to transmit the command to the search engine.
- “And, receiving a first set of search results” see paragraph 0042.

♦ As per claim 1,

Wise discloses a method for creating a search string using a computer system (Fig. 1- 2), the computer system having a processor (Fig. 1, element 36), a display (Fig. 1, element 22), and a browser (paragraph 0036), the computer system programmed with a server-based program called a search builder, the method comprising the steps of:

- “Selecting a search topic” corresponds to the method that allowing the user to search for the topic “work of art” (See Fig. 3, paragraph 0040).
- “Defining a plurality of word categories related to the search topic” corresponds to a method that allowing the user to define the categories such as “medium, style, location, feature” in Fig. 3, paragraph 0038, 0040.
- “Forming a controlled vocabulary word group for each word category” corresponds to the methodology that allows the user to define the property of each category. As indicated above, the controlled vocabulary is a property of a category; Wise also teaches

that the property of a category is defined (paragraph 0040). Therefore, the property in Wise reference (sculpture, drawing, oil) corresponds to the “controlled vocabulary word group” in the instant application.

- “Populating each controlled vocabulary word group with a plurality of preselected words related to the word category, each of the plurality of preselected words within each word group selected to vary the scope of a search relative to the remaining words in the controlled vocabulary word group” See Fig. 3 – 4, wherein the user is provided a display that has “each controlled vocabulary word group” (sculpture, drawing, oil) with a plurality of preselected words related to the word category (cubism, surreal, abstract, CT, NY, PA, etc.); Since the user select the word “oil” that is a preselected in the word group, the search string is different in the scope if the user select the controlled vocabulary word such as “sculpture”.
- “Generating a first search string by selecting a first word from each of a plurality of controlled vocabulary word groups to create a search string” See Fig. 4, element 46, wherein the search string include the string of “top, medium, oil”.
- “Transmitting the first search string to a search engine” See paragraph 0049 wherein the user can click on the command “ENTER” to transmit the command to the search engine.
- “Receiving a first data set from the search engine” corresponds to the first result that includes the green paint and black paint (see paragraph 0042).
- “Creating a second search string by replacing the first word of a first controlled vocabulary word group of the first search string with second word from the first word



group” corresponds to the method that allow the user to replace the category “color” with “not black”, or combine with another color (paragraph 0042, 0043).

- “ Transmitting the second search string to the search engine” See paragraph 0049 wherein the user can click on the command “ENETER” to transmit the command to the search engine.
- “ And, receiving a second data set from the search engine” corresponds to the search result that includes green color but not black color (see paragraph 0042).

◆ As per claim 2, Wise discloses:

- Depicting on the display at least one search topic” See Fig. 3 wherein the search topic corresponds to “work of art”.
- “ The user selecting the search topic” corresponds to the method that allows the user to select or enter a search topic into the computer system (See Fig. 3 wherein the search topic corresponds to “work of art”, paragraph 0040).
- “ Responsive to selection... displaying a plurality of preselected word groups” corresponds to the display that include plurality of category or subcategory (See Fig. 4).

◆ As per claim 3, Wise discloses:

- “ Displaying a plurality of word group headings to the user” See Fig. 3, paragraph 0040, wherein the user is displayed with a list of categories. The “word group headings” corresponds to the words category in the reference.
- “ The user selecting a first word group heading” corresponds to the method that allows the user to select the “medium” word group heading in Fig. 3.

- “Displaying the pre-selected words populating the first word group to the user” See Fig. 3 – 4, wherein the user can select the property of the medium such as oil.
- “The user selecting a first word from the first word group” corresponds to the action that user select the word oil in the medium property.
- “Entering the first word from the first word group into a first search string” See Fig. 4, element 46 wherein the search string includes “top: medium: oil”
- “Displaying the plurality of word group headings to the user” See Fig. 4, wherein the user is provided with a list of plurality of word group headings (category and their corresponding property).
- “The user selecting a second word group heading from the plurality of displayed word groups” corresponds to the method that allows the user to reselect another option such as “not black” in the second search (paragraph 0042).
- “Displaying the pre-selected words populating the second word group” See Fig. 3 – 4, wherein the user can select the property of the medium such as oil.
- “The user selecting a first word from the second word group” corresponds to the method that allows the user select word group (category) “style” and “abstract” property. In Fig. 4.
- “And, adding the first word from the second word group to the first search string” See Fig. 4, wherein the search string include “top: medium: oil: style: abstract”.

♦ As per claim 8, Wise discloses:

Art Unit: 2161

- “Wherein the step of entering the first word from the first word group includes displaying the first word in a text box and in the display associated with the word group” See paragraph 0044 wherein the categories are displayed in textual form.

◆ As per claim 9, Wise discloses:

- “Selecting an accept button which enters the first word into a search string” corresponds to the action when user selects the ENTER command (paragraph 0048, 0049 of Wise).

◆ As per claims 10, 14, Wise discloses:

- “Further comprises the step of displaying a clear button which when clicked deletes words in the text box” See paragraph 0052 wherein the user can star over the search by pressing “BACKUP” command.

◆ As per claim 12, Wise discloses:

- “Displaying a topics button that when selected displays a list of the available search topics” See fig. 4, paragraph 0047, 0048, and 0052.

◆ As per claim 15, Wise discloses:

- “Displaying a Save Search button” see paragraph 0052 where the wording has been saved into the system.

◆ As per claim 16, Wise discloses:

- “Displaying a Load Last Saved Search button” corresponds to the BACKUP button (see paragraph 0052).

◆ As per claim 18,

With all limitations as in claim 1 further claim 18 includes:

- “Providing a web site accessible through the word wide web” See paragraph 0036, 0037.

Art Unit: 2161

- “ Providing access through the web site to a database of files accessible through the world wide web” see paragraph 0035 wherein the database corresponds to the memory 32 and 34.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 4 - 6, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gidon Wise (U.S. 2003/0069878 A1) in view of Jakob Ziv-El (U.S. 6,302,698).

♦ As per claims 4, 6, 11, 13,

Wise fails to disclose “displaying the search word types in selected color codes and in text”.

Jakob Ziv-El (U.S. 6,302,698) discloses a method for on-line teaching and learning comprising a teaching regarding color codes. Jakob Ziv-El teaches that the responses appear color-coded, such as green, red, blue for different responses (col. 11 line 25 – 35, Jakob Ziv-El).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Jakob Ziv-El regarding the color-coded into the system of Wise, because the combination would provided a clearly interface for the users when the users search for a selected word types.

♦ As per claim 5,

- “The term selected from the group consisting of a subject, action, feature” See Fig. 3 wherein the term can be “feature”.

13. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gidon Wise (U.S. 2003/0069878 A1) in view of Giovanni B. Marchisio (U.S. 6,510,406).

♦ As per claims 7,

As discussed above, Wise discloses a method for creating a search string using a computer system (Fig. 1 - 4). However, Wise fails to disclose a “drop-down menus for each word group”.

Giovanni B. Marchisio (U.S. 6,510,406) discloses a web search engine that related terms could be presented to the user through a drop-down menus or list, or some other graphical presentation (See column 17 line 22 – 33, Marchisio).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Marchisio regarding the dropdown menu into the system of Wise, because the combination would provide an easy accessible interface for the user.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Andreas Rippich (U.S. 2002/0099701 A1) discloses a method and apparatus for displaying database search results.
- Makus et al (U.S. 6,757,673 B2) discloses a displaying hierarchical relationship of data accessed via subject index.
- Makus et al (U.S. 2002/0059210 A1) discloses a displaying hierarchical relationship of data accessed via subject index.
- Li et al (U.S. 6,631,496 B1) discloses a system for personalizing organizing and managing web information.
- James et al, "Exploiting a Controlled vocabulary to Improve collection Selection and Retrieval Effectiveness", November 2001, ACM, page 199 - 206.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272 - 4146. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161

A handwritten signature in black ink, appearing to read "Nguyen Cam Linh", is written over a horizontal line.

LN